



Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Department of Public Health  
Division of Health Professions Licensure  
Board of Registration in Pharmacy

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[www.mass.gov/dph/boards/pharmacy](http://www.mass.gov/dph/boards/pharmacy)

MARYLOU SUDDERS  
Secretary

MONICA BHAREL, MD, MPH  
Commissioner

July 15, 2015

Sent Via Certified Mail No. 7014 0510 0001 0375 2084

Paul M. Garbarini, P.C.  
Attorney at Law  
P.O. Box 1551  
Northampton, MA 01061

Re: In the Matter of Saad D. Dinno, R.Ph., PH21963, PHA-2014-0120

Dear Mr. Garbarini:

Please find enclosed a fully executed Consent Agreement for Stayed Probation, effective July 15, 2015. This agreement constitutes full and final disposition of the above-referenced complaint.

Please note that as of the effective date, your client's license status was changed to probation. The Board acknowledges that your client has met the requirements for license restoration to good standing specified in paragraph 4d of the agreement. Accordingly, your client's license status will be changed to current on July 16, 2015.

You may contact me at (617) 973 - 0950 with any questions that you may have concerning this agreement.

Very truly yours,

Heather A. Engman  
Board Counsel

HAE/  
Enclosures

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY

Received

BOARD OF REGISTRATION  
IN PHARMACY

In the Matter of  
Saad D. Dinno, R.Ph.  
PH21963  
December 31, 2016

JUL 10 2015

) BOARD OF  
) PHARMACY

PHA-2014-0120

**NON-DISCIPLINARY  
CONSENT AGREEMENT FOR STAYED PROBATION**

The Massachusetts Board of Registration in Pharmacy ("Board") and Saad D. Dinno ("Licensee"), a Pharmacist licensed by the Board, PH21963, do hereby stipulate and agree that the following information shall be entered into and become a permanent part of the Licensee's record maintained by the Board:

1. The Licensee acknowledges that the Board opened a complaint against his Massachusetts Pharmacist license related to the conduct set forth in Paragraph 2, identified as PHA-2014-0120 ("the Complaint").<sup>1</sup>
2. The Board and the Licensee acknowledge and agree to the following facts:
  - a. On or about December 10, 2012 to March 29, 2013, and at all relevant times, Licensee worked as the Manager of Record of Acton Pharmacy ("Pharmacy") located at 50 Cherrybrook Road in Acton, Massachusetts. As described in 247 CMR 6.07, Licensee as Manager of Record, was responsible for the operation of the Pharmacy in compliance with 247 CMR 2.00 *et seq.* and applicable state and federal laws and regulations.
  - b. On or about December 10, 2012 to March 29, 2013, the Pharmacy improperly dispensed compounded 0.25mg/ml melatonin liquid to a pediatric patient on five (5) separate occasions without a proper prescription.
  - c. The foregoing facts warrant action by the Board under M.G.L. c. 112 §§ 42A and 61 and 247 CMR 10.03(1)(v).

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<sup>1</sup> The term "license" applies to both a current license and the right to renew an expired license.

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3. The Licensee agrees that his Pharmacist license shall be placed on PROBATION for no less than one (1) day, and that the probation shall be STAYED for no more than 90 days ("Stayed Probationary Period"), commencing with the date on which the Board signs this Agreement ("Effective Date"). The Agreement shall be non-disciplinary until and unless the Board takes action pursuant to Paragraph 7 of the Agreement.
4. During the Stayed Probationary Period, the Licensee further agrees that he shall comply with all of the following requirements to the Board's satisfaction:
  - a. Comply with all laws and regulations governing the practice of pharmacy.
  - b. Notify the Board in writing within ten (10) days of each change in his name and/or address.
  - c. Timely renew his license.
  - d. Submit documentation demonstrating successful completion of at least two (2) contact hours of continuing education in the area of Non-Sterile Compounding within 90 days of the Effective Date.<sup>2</sup>
5. The Board agrees that in return for the Licensee's execution and his successful compliance with all the requirements of this Agreement, the Board will not prosecute the Complaint.
6. If and when the Board determines that the Licensee has complied to the Board's satisfaction with all the requirements contained in this Agreement, the Stayed Probationary Period will terminate no sooner than one (1) business day after the Effective Date upon written notice to the Licensee from the Board, and the Licensee shall have no history of discipline upon his record related to this Agreement or the Complaint.<sup>3</sup>

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<sup>2</sup> This continuing education requirement shall be *in addition to* any contact hours required for license renewal.

<sup>3</sup> In all instances where this Agreement specifies written notice to the Licensee from the Board, such notice shall be sent to the Licensee's address of record.

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7. If the Licensee does not comply with each requirement of this Agreement, or if the Board opens a Subsequent Complaint during the Stayed Probationary Period, the Licensee agrees to the following:<sup>4</sup>
- a. The Board may upon written notice to the Licensee, as warranted to protect the public health, safety, or welfare:
    - i. LIFT the stay, resulting in the imposition of PROBATION and rendering this Agreement disciplinary;
    - ii. EXTEND the Stayed Probationary Period or, if the stay is lifted, the Probationary Period; and/or
    - iii. MODIFY the Stayed Probation Agreement requirements; and/or
    - iv. IMMEDIATELY SUSPEND the Licensee's registration.
  - b. If the Board suspends the Licensee's license pursuant to Paragraph 7(a)(iv), the suspension shall remain in effect until:
    - i. the Board gives the Licensee written notice that the Stayed Probation and/or Probationary Period is to be resumed and under what terms; or
    - ii. the Board and the Licensee enter into a subsequent agreement; or
    - iii. the Board issues a written Final Decision and Order following adjudication of the allegations (1) of noncompliance with this Agreement, and/or (2) contained in the Subsequent Complaint.

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<sup>4</sup> The term "Subsequent Complaint" applies to a complaint opened after the Effective Date, which (1) alleges that the Licensee engaged in conduct that violates Board statutes or regulations, and (2) is substantiated by evidence, as determined following the complaint investigation during which the Licensee shall have an opportunity to respond.

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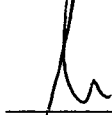
8. The Licensee agrees that if the Board lifts the stay and suspends his license in accordance with Paragraph 7, he will immediately return his current Massachusetts license to practice as Pharmacist to the Board, by hand or certified mail. The Licensee further agrees that upon suspension, he will no longer be authorized to engage in practice as a Pharmacist in the Commonwealth of Massachusetts and shall not in any way represent himself as a Pharmacist until such time as the Board reinstates his license.<sup>5</sup>
9. The Licensee understands that he has a right to a formal adjudicatory hearing concerning the Complaint and that during said adjudication he would possess the right to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on his own behalf, to contest the allegations, to present oral argument, to appeal to the courts, and all other rights as set forth in the Massachusetts Administrative Procedures Act, M.G.L. c. 30A, and the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01 *et seq.* The Licensee further understands that by executing this Agreement he is knowingly and voluntarily waiving his right to a formal adjudication of the Complaint.
10. The Licensee acknowledges that he has been at all times free to seek and use legal counsel in connection with the Complaint and this Agreement.
11. The Licensee acknowledges that after the Effective Date, the Agreement constitutes a public record subject to the Commonwealth of Massachusetts' Public Records Law, M.G.L. c. 4, § 7.

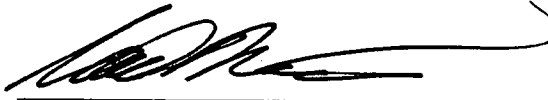
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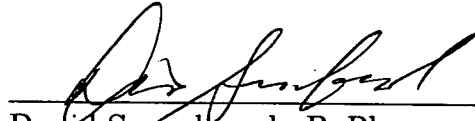
<sup>5</sup>Any evidence of unlicensed practice or misrepresentation as a Pharmacist after the Board has notified the Licensee of his registration suspension shall be grounds for further disciplinary action by the Board and the Board's referral of the matter to the appropriate law enforcement authorities for prosecution.

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12. The Licensee certifies that he has read this Agreement. The Licensee understands and agrees that entering into this Agreement is a voluntary and final act and not subject to reconsideration, appeal, or judicial review.

  
\_\_\_\_\_  
7/6/15  
Witness (sign and date)

  
\_\_\_\_\_  
Saad D. Dinno, R.Ph.  
Licensee (sign and date) 7/6/15

  
\_\_\_\_\_  
David Sencabaugh, R. Ph.  
Executive Director  
Board of Registration in Pharmacy

7-15-15  
Effective Date of Stayed Probation Agreement

Fully Signed Agreement Sent to Licensee on 7/15/15 by  
Certified Mail No. 7014 0910 0001 0375 2084

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